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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,719	01/17/2006	Takayuki Kondo	Q92538	9863
23373 7590 10/04/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER AMINZAY, SHAIMA Q	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 10/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/564,719

Applicant(s)

KONDO, TAKAYUKI

Examiner

Shaima Q. Aminzay

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned-patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1-8 are objected under 37 CFR 1.75(c) as being improper, because of the expressions “predetermined communication quality or more” in independent claims 1, 3, and 6 are vague and unclear. The claim limitations should contain the technical features as in the definition of the subject matter in the specification. Claims 2, 4-5, and 7-8 dependent of independent claims 1, 3, and 6 are objected for the same reason set for claims 1, 3, and 6. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-8 are rejected under 35 U.S.C. 102(a) as being anticipated by Hamabe (Hamabe, U.S. Patent 6,405,021).

Regarding claim 1, Hamabe discloses a transmission power control method in a mobile communication system in which a mobile station connects with a plurality of radio base stations simultaneously (*e.g. Fig. 1-15, cl 1, ln 14-18, cl 4, ln 46-57, cl 15, ln 28-35, the transmission power control in a mobile communication system which the mobile station*

connects simultaneously with multiple base stations);

in said radio base station (e.g. Fig. 1, base station 10), said method comprising:

a step of measuring a receiving level of an up-link from the mobile station (e.g. Fig. 10b, cl 11, ln 26-28, cl 13, ln 30-32, 45-52, 60-67, *the receiving level of the uplink from the mobile station is being measured*);

and a step of transmitting up-transmission power instruction information for instructing that up-transmission power be lowered to the mobile station when the receiving level is not less than a predetermined target value (e.g. cl 4, ln 23-30, cl 13, ln 60-67, cl 14, ln 1-39, *transmitting the power command (instruction information) for uplink (up transmission) power to be decreased when the receiving level is not below the predetermined target value*) and of transmitting up-transmission power instruction information for instructing that up-transmission power be raised to the mobile station when the receiving level is below the predetermined target value (e.g. cl 4, ln 31-37, cl 13, ln 60-67, cl 14, ln 1-39, *transmitting the power command (instruction information) for uplink (up transmission) power to be increased when the receiving level is below the predetermined target value*):

in the mobile station (e.g. Fig. 1, mobile station 30), said method comprising:

a step of receiving the up-transmission power instruction information from the plurality of radio base stations connected thereto (e.g. cl 13, ln 29-67, *the mobile station receiving the uplink (up transmission) power command (instruction information) from multiple base stations (10s)*); and a step of determining up-transmission power using only up-transmission power instruction information from radio base stations having down-links of a predetermined communication quality or more (e.g. cl 13, ln 29-67, cl 14, ln 1-39, *the*

uplink power transmission is being determined using the uplink power instructions from the base station with predetermined communication quality), from among the up-transmission power instruction information received from the radio base stations (e.g. cl 13, ln 29-67, cl 14, ln 1-39, selecting the power transmission command (instructions) received from the base station).

Regarding claim 3, Hamabe discloses a mobile communication system performing soft handover and transmission power control (e.g. Fig. 1-15, cl 1, ln 14-18, 57-67, cl 2, ln 1-10, cl 4, ln 46-57, cl 15, ln 28-35, the mobile communication system (e.g. Fig. 7) transmission power control and soft handoff (handover)), comprising: a plurality of radio base stations for transmitting up-transmission power instruction information for lowering up-transmission power to a down-link when the receiving level of an up-link is not less than a predetermined up-target value (e.g. Fig. 1-15, cl 4, ln 23-30, cl 13, ln 60-67, cl 14, ln 1-39, multiple base stations (10s) transmitting the power command (instruction information) for uplink (up transmission) power to be decreased when the receiving level is not below the predetermined target value), and for transmitting up-transmission power instruction information for raising up-transmission power to the down-link when the receiving level is below the predetermined up-target value (e.g. cl 4, ln 31-37, cl 13, ln 60-67, cl 14, ln 1-39, transmitting the power command (instruction information) for uplink (up transmission) power to be increased when the receiving level is below the predetermined target value); and a mobile station (e.g. Fig. 1, mobile station 30) for determining up-transmission power using only the up-transmission power instruction information received from radio base stations having down-links of a predetermined

communication quality or more (*e.g. cl 13, ln 29-67, cl 14, ln 1-39, the uplink power transmission is being determined using the uplink power instructions from the base station with predetermined communication quality*), from among the up-transmission power instruction information received from the plurality of radio base stations that are connected by soft handover (*e.g. cl 1, ln 57-67, cl 2, ln 1-10, cl 13, ln 29-67, cl 14, ln 1-39, selecting the power transmission command (instructions) received from the base station that are linking via soft handoff (handover)*)).

Regarding claim 6, Hamabe discloses a mobile station apparatus used in a mobile communication system performing soft handover and transmission power control (*e.g. Fig. 1-15, cl 1, ln 14-18, 57-67, cl 2, ln 1-10, cl 4, ln 46-57, cl 15, ln 28-35, the mobile station (30) in a mobile communication system (e.g. Fig. 7) performing transmission power control and soft handoff (handover)*), comprising: a receiver for receiving signals of down-links from a plurality of radio base stations connected by soft handover (*e.g. cl 1, ln 57-67, cl 2, ln 1-10, cl 4, ln 46-57, cl 13, ln 19-52, the mobile (30) receives the downlink signals from multiple base stations (10s) that are linked via soft handoff (handover)*)); an up-link transmission power calculation unit for determining up-transmission power using only up-transmission power instruction information extracted from signals received from down-links of a predetermined communication quality or more (*e.g. cl 13, ln 29-67, cl 14, ln 1-39, the uplink power transmission is being determined using the uplink power instructions from the base station with predetermined communication quality*), from among signals received by the receiver; and a transmitter for transmitting the signals to the up-links with the up-transmission power determined by

the up-link transmission power calculation unit (*e.g. cl 13, ln 29-67, cl 14, ln 1-39, selecting the power transmission command (instructions) received by the receiver and transmitter to transmit the uplink signals that is determined using the uplink (up transmission) power command*).

Regarding claims 2, 4, and 7, Hamabe teaches all the limitations of claims 1, 3, 6, and further, Hamabe teaches wherein, in determining up-transmission power in the mobile terminal (*e.g. Fig. 10b, cl 11, ln 26-28, cl 13, ln 30-32, 45-52, 60-67*), a determination is made to raise the up-transmission power when all pieces of the up-transmission power instruction information from the radio base stations having down-links of the predetermined quality or more are instructions for raising the transmission power (*e.g. cl 4, ln 31-37, cl 13, ln 60-67, cl 14, ln 1-39*), and a determination is made to lower the up-transmission power when at least one piece of up-transmission power instruction information is an instruction for lowering the transmission power (*e.g. cl 4, ln 23-30, cl 13, ln 60-67, cl 14, ln 1-39*)

Regarding claim 5, Hamabe teaches all the limitations of claim 3, and further, Hamabe teaches wherein said mobile station transmits down-transmission power instruction information (*e.g. Fig. 10b, cl 11, ln 26-28, cl 13, ln 30-32, 45-52, 60-67*) for instructing that down-transmission power be lowered to an up-link when the receiving level of the down-link is not less than a predetermined down target value (*e.g. cl 4, ln 23-30, cl 13, ln 60-67, cl 14, ln 1-39*), and transmits down-transmission power instruction information for instructing that down-transmission power be raised to the up-link when the receiving

level is below the predetermined down target value (*e.g. cl 4, ln 31-37, cl 13, ln 60-67, cl 14, ln 1-39*); and wherein said radio base station determines down-transmission power using the down-transmission power instruction information received from the mobile station connected thereto (*e.g. cl 13, ln 29-67*).

Regarding claim 8, Hamabe teaches all the limitations of claim 6, and further, Hamabe teaches a down-link receiving level measurement unit for measuring a receiving level of the down-link in the receiver (*e.g. Fig. 1-15, cl 1, ln 14-18, 57-67, cl 2, ln 1-10, cl 4, ln 46-57, cl 15, ln 28-35*); and a down link receiving level comparison unit for transmitting down-transmission power instruction information (*e.g. cl 4, ln 23-30, cl 13, ln 60-67, cl 14, ln 1-39*) for instructing that the down-transmission power be lowered to the up-link via the transmitter when the receiving level measured by the down-link receiving level measurement unit is not lower than a predetermined target value (*e.g. cl 4, ln 23-30, cl 13, ln 60-67, cl 14, ln 1-39*), and for transmitting down-transmission power instruction information for instructing that the down-transmission power be raised to the up-link via the transmitter when the receiving level measured by the down-link receiving level measurement unit is below the predetermined target value (*e.g. cl 4, ln 31-37, cl 13, ln 60-67, cl 14, ln 1-39*).

Conclusion

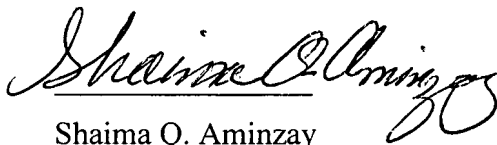
The prior art made of record considered pertinent to applicant's disclosure, see PTO-892 form.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 571-272-7874. The examiner can normally be reached on 7:00 AM -4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mathew D. Anderson can be reached on 571-272-4177. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shaima Q. Aminzay

(Examiner)

August 28, 2007



MATTHEW ANDERSON
SUPERVISORY PATENT EXAMINER